IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

FRIDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WP.No.23874 OF 2006

Between:

B.Venkataiah, s/o. B.Yellaiah,
aged about 37 years, 0cc. Conductor,
APSRTC Nagar Kurnool Depot,
Mahboobnagar District. … Petitioner

Versus

The Depot Manager,
APSRTC, Nagar Kurnool,
Mahbubnagar District & Anr. … Respondents

Counsel for the Petitioner: Sri P.Amarender

Counsel for the Respondent: Sri P.Vinayakaswamy

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 23874 of 2006

Order:

The writ petition is filed questioning the impugned suspension orders passed by the first respondent in proceedings no. MO.02/95(48)2006-NGKL, dated 15-6-2006 on the ground that the petitioner committed cash and ticket irregularities on route Nagarkurnool-Ambatipally on 08-6-2006 and consequently to direct the respondents to re-induct the petitioner forthwith all other consequential service and monetary benefits and to pass such other suitable orders.

The case of the petitioner is that he was appointed as a Conductor in the respondent-organization on 01-3-1991 and was allotted to Achampet Depot. Thereafter, he was transferred to Nagar Kurnool Depot on 05-7-1997 and since then he worked as such in the same post without giving any room of complaint whatsoever. While things stood thus, on 08-6-2006, while he was discharging his duties and proceeding from Nagar Kurnool to Ambatipally near Yapatla the TTIs, namely, Mr.K.Ramulu and Mr.K.B.Chary boarded the bus for checking the same along with five individuals and instructed the petitioner to hand over the tickets tray and S.R. for verification. The TTIs further directed him to issue tickets to the five individuals and accordingly the petitioner collected the amount but could not issue tickets for the reason that they were seized by the TTIs for checking purpose. The petitioner was made to believe that the tickets are going to be issued by the TTIs, as they have punched the top of tickets to create impression that they are issuing tickets. Subsequently, after the checking was completed, they could not find anything against me and when nothing is found out, they issued a memo stating that he could not issue tickets to five passengers, who were boarded into the bus along with the TTIs. When the petitioner

protested the action of the TTIs they have forcibly taken away the amount of Rs.800/-, which was entered in the SR as his personal amount and manipulated the SR entries. Against the action of TTIs the petitioner lodged a complaint before the Station House Officer, Nagar Kurnool and when he refused to receive the same, he filed a private complaint in Crl.MP.No.1414/2006 in CFR.No.1304/2006 in the Court of Judicial Magistrate of First Class, Nagar Kurnool and thereafter FIR was registered against the TTIs and others on 24-8-2006 for manipulation of SR and the said case is under investigation and it is pending for adjudication. Be that as it may, the respondents issued a charge memo dated 15-6-2006 calling for the explanation of the petitioner. As against the said charge memo, the petitioner submitted his explanation on 15-6-2006 denying the charges framed against him in toto.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

On a perusal of the impugned suspension order dated 15-6-2006, it appears that the petitioner committed cash and ticket irregularities and pending enquiry the petitioner was placed under suspension. The impugned suspension order was passed on 15-6-2006 and this writ petition is filed only on 15-11-2006 i.e., hardly five months after passing the suspension order. When the matter is pending adjudication, this court cannot direct the respondents to re-induct the petitioner into service, pending enquiry into the matter. In the circumstances, the impugned suspension order is not a punishment but the suspension order is meant to cause necessary probe for the cash and ticket irregularities committed by the petitioner. In that view of the matter, I deem it appropriate to direct the respondents to expedite the enquiry as

expeditiously as possible, preferably within six months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date:22-12-2006.
NSR/ISL